

Nuclear Regulatory Commission

§ 70.1

Subpart D—License Applications

- 70.21 Filing.
- 70.22 Contents of applications.
- 70.23 Requirements for the approval of applications.
- 70.23a Hearing required for uranium enrichment facility.
- 70.24 Criticality accident requirements.
- 70.25 Financial assurance and recordkeeping for decommissioning.

Subpart E—Licenses

- 70.31 Issuance of licenses.
- 70.32 Conditions of licenses.
- 70.33 Applications for renewal of licenses.
- 70.34 Amendment of licenses.
- 70.35 Commission action on applications to renew or amend.
- 70.36 Inalienability of licenses.
- 70.37 Disclaimer of warranties.
- 70.38 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.
- 70.39 Specific licenses for the manufacture or initial transfer of calibration or reference sources.
- 70.40 Ineligibility of certain applicants.

Subpart F—Acquisition, Use and Transfer of Special Nuclear Material, Creditors' Rights

- 70.41 Authorized use of special nuclear material.
- 70.42 Transfer of special nuclear material.
- 70.44 Creditor regulations.

Subpart G—Special Nuclear Material Control, Records, Reports and Inspections

- 70.50 Reporting requirements.
- 70.51 Records requirements.
- 70.52 Reports of accidental criticality.
- 70.55 Inspections.
- 70.56 Tests.
- 70.59 Effluent monitoring reporting requirements.

Subpart H—Additional Requirements for Certain Licensees Authorized To Possess a Critical Mass of Special Nuclear Material

- 70.60 Applicability.
- 70.61 Performance requirements.
- 70.62 Safety program and integrated safety analysis.
- 70.64 Requirements for new facilities or new processes at existing facilities.
- 70.65 Additional content of applications.
- 70.66 Additional requirements for approval of license application.
- 70.72 Facility changes and change process.
- 70.73 Renewal of licenses.
- 70.74 Additional reporting requirements.
- 70.76 Backfitting.

Subpart I—Modification and Revocation of Licenses

- 70.81 Modification and revocation of licenses.
- 70.82 Suspension and operation in war or national emergency.

Subpart J—Enforcement

- 70.91 Violations.
- 70.92 Criminal penalties.

APPENDIX A TO PART 70—REPORTABLE SAFETY EVENTS

AUTHORITY: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846). Sec. 193, 104 Stat. 2835 as amended by Pub. L. 104-134, 110 Stat. 1321, 1321-349 (42 U.S.C. 2243); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594 (2005).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077).

Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).

Section 70.81 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

Section 70.82 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

SOURCE: 21 FR 764, Feb. 3, 1956, unless otherwise noted.

Subpart A—General Provisions

§ 70.1 Purpose.

(a) Except as provided in paragraphs (c) and (d) of this section, the regulations of this part establish procedures and criteria for the issuance of licenses to receive title to, own, acquire, deliver, receive, possess, use, and transfer special nuclear material; and establish and provide for the terms and conditions upon which the Commission will issue such licenses.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954, as amended (68 Stat. 919) and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242).

§ 70.2

(c) The regulations in part 72 of this chapter establish requirements, procedures, and criteria for the issuance of licenses to possess:

(1) Spent fuel, power reactor-related Greater than Class C (GTCC) waste, and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI), or

(2) Spent fuel, high-level radioactive waste, power reactor-related GTCC waste, and other radioactive materials associated with the storage in a monitored retrievable storage installation (MRS), and the terms and conditions under which the Commission will issue such licenses.

(d) As provided in part 76 of this chapter, the regulations of this part establish procedures and criteria for physical security and material control and accounting for the issuance of a certificate of compliance or the approval of a compliance plan.

(e) As provided in the Atomic Energy Act of 1954, as amended, the regulations in this part establish requirements, procedures, and criteria for the issuance of licenses to uranium enrichment facilities.

[21 FR 764, Feb. 3, 1956, as amended at 32 FR 4056, Mar. 15, 1967; 40 FR 8791, Mar. 3, 1975; 43 FR 6924, Feb. 17, 1978; 45 FR 74712, Nov. 12, 1980; 53 FR 31682, Aug. 19, 1988; 59 FR 48960, Sept. 23, 1994; 62 FR 6669, Feb. 12, 1997; 66 FR 51838, Oct. 11, 2001]

§ 70.2 Scope.

Except as provided in §§ 70.11 to 70.13, inclusive, the regulations in this part apply to all persons in the United States. This part also gives notice to all persons who knowingly provide to any licensee, applicant, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's or applicant's activities subject to this part, that they may be individually subject to NRC enforcement action for violation of § 70.10.

[63 FR 1898, Jan. 13, 1998]

§ 70.3 License requirements.

No person subject to the regulations in this part shall receive title to, own, acquire, deliver, receive, possess, use, or transfer special nuclear material ex-

10 CFR Ch. I (1–1–11 Edition)

cept as authorized in a license issued by the Commission pursuant to these regulations.

[32 FR 2562, Feb. 7, 1967, as amended at 43 FR 6924, Feb. 17, 1978]

§ 70.4 Definitions.

Act means the Atomic Energy Act of 1954 (68 Stat 919), including any amendments thereto;

Acute, as used in this part, means a single radiation dose or chemical exposure event or multiple radiation dose or chemical exposure events occurring within a short time (24 hours or less).

Agreement State as designated in part 150 of this chapter means any State with which the Commission has entered into an effective agreement under subsection 274b. of the Act. *Non-agreement State* means any other State.

Alert means events may occur, are in progress, or have occurred that could lead to a release of radioactive material[s] but that the release is not expected to require a response by an offsite response organization to protect persons offsite.

Atomic energy means all forms of energy released in the course of nuclear fission or nuclear transformation;

Atomic weapon means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device;

Available and reliable to perform their function when needed, as used in subpart H of this part, means that, based on the analyzed, credible conditions in the integrated safety analysis, items relied on for safety will perform their intended safety function when needed, and management measures will be implemented that ensure compliance with the performance requirements of § 70.61 of this part, considering factors such as necessary maintenance, operating limits, common-cause failures, and the likelihood and consequences of failure or degradation of the items and measures.

Commencement of construction means any clearing of land, excavation, or